

BIGFORK LAND USE ADVISORY COMMITTEE
Minutes December 18, 2014
4:00 PM Bethany Lutheran Church – Downstairs Meeting Room

Chairwoman Joyce Mitchell called the meeting to order at 4:03 p.m.

Present: Board members: Susan Johnson, Shelley Gonzales, Lou McGuire and James Bonser. Public: Don Ryan. Flathead County Planning and Zoning: Erik Mack. Agencies: Bigfork Water/Sewer, Julie Spencer.

The agenda was adopted (m/s, L. McGuire/S. Johnson, unanimous)

The minutes of the November 20, 2014 meeting were approved as corrected (m/s, S. Johnson/L. McGuire, unanimous)

Administrator's Report and Announcements:

Sign-in sheet passed around. Planning and Zoning website announced for all documents regarding minutes, agendas and applications. Website: [flathead.mt.gov/planning zoning/documents](http://flathead.mt.gov/planning_zoning/documents).

Update on Kyjaco Conditional Use Permit: The Board of Adjustment (BOA) declined to require an easement under Finding of Fact #11. The BOA left the issue to be resolved between the property owner and Bigfork Water & Sewer. The BOA added Condition #6 requiring the property owner to reduce the size of the existing sign to comply with applicable zoning regulations. The property owner has one year to complete signage compliance. It was reported by Joyce Mitchell that the buyer of the property has agreed to give the easement to Bigfork Water & Sewer voluntarily.

Public Comment:

There was no public comment.

Application: FZV-14-03 Michael and Debbie Thomas. A request by Michael & Debbie Thomas for a Zoning Variance to property within the Bigfork Zoning District and zoned RC-1 (Residential Cluster). The applicant is requesting a variance to Section 3.14.040(4), "Bulk and Dimensional Requirements", (Maximum Height), of the Flathead County Zoning Regulations. The property is located at 156 Bjork Drive and can legally be described as Lot 131 of Eagle Bend No. 12 Subdivision.

Prior to the presentation of the application, Susan Johnson asked the committee and the public if there were any objections to her voting on the application as she has a professional relationship with George Gibson, architect for the applicant. There were no objections.

Staff Report: Erik Mack, Planning and Zoning Department, presented the application and reviewed section 2.05.030(3) of Flathead County Zoning Regulations as it pertains to the staff report and Findings of Facts.

Q. Gonzales: Will the patio roof be visible from the road?

A. Mack: No

Q. Gonzales: Isn't there a prohibition on building on such a steep slope?

A. Mack: No

Q. Gonzales: What is the relationship of the applicant to the property owner?

A. Mack: Mike Roessmann is the builder representing the property owner.

Q. Bonser: If there wasn't an architect on this project how would Planning and Zoning know there would be a zoning violation?

A. Mack: Without a roof no variance would be required.

Q. Bonser: If there was no roof how would the area be protected from weather?

A. Mack: The area would need to be sealed.

Q. McGuire: Due to the irregular terrain would variances be needed for irregular lots?

A. Mack: Variances would be reviewed on a case-by-case basis.

Applicant Report: Mike Roessmann reviewed the project. He indicated that a third story deck was the only way for the property owner to get a clear view of the lake. The deck is located above living space. The deck roof will provide long-term viability to the building materials. Roessmann questioned staff's calculation of the square footage of the home (5,292) versus the architect's calculation (3,953) inclusive of the garage. Mack stated that in the absence of building plans his calculation was based on all living space inclusive of basement and mechanical rooms (FCZR 7.07.060 Floor Area). Gibson and Roessmann then reviewed various aspects of the project.

Q. Bonser: What is the interior ceiling height of each floor?

A. Roessmann: First floor is 10 feet, second floor is 9 feet and third floor is 8 feet. Gibson lowered the height of the third floor by one foot thus reducing the overall building height to 37 feet.

Joyce Mitchell offered a topographical map of the subject property for the committee, applicant and public to review. Don Ryan, property owner of 2 lots directly across the street from the subject property, questioned the view impact the home would have on his property. The proposed home height at street level would be 28 feet and compliant with zoning. Roessmann was asked what type of siding would be used on the house and he indicated horizontal cedar.

Agencies: Julie Spencer of Bigfork, Water and Sewer stated that the district owns the large water tank on the east side of Bjork Drive.

Public Comment:

None

Committee Discussion:

Mitchell: This is an unusual property with a boulder taking up a large portion of the lot.

Gonzales: As I understand FCZR 2.05.030, the applicant must show a hardship on 8 points and I do not believe there is a hardship on at least 4 of the points.

Mitchell: I concur.

Bonser: I recognize that there is a need for a roof to protect the deck materials.

Johnson: There are materials that can be used to protect the exterior from the elements.

Bonser: Not having a roof might impact the architectural design.

McGuire: That is correct, but architectural design is not our function or concern.

Mitchell: I agree that FCZR 2.05.030 is the basis for our vote. The roof is only over a 200 square foot deck.

Mitchell asked the applicant if they had a copy of FCZR 2.05.030, Roessmann replied yes. Mitchell asked Mack to read FCZR 2.05.030 to the applicant which he did.

Johnson: Other property owners might want a variance for a larger deck roof and approval of this

variance would set precedence.

There were further committee discussions of FCZR 2.05.030 (3) B and D and that the hardship was not caused by the applicant. Mitchell stated that these irregular lots are leftovers in the Eagle Bend subdivision and they have individual problems.

Gonzales: I feel that Findings of Fact 1, 2, 4, 5 and 6 are not a hardship.

Mitchell: I find that Finding of Facts 3, 4, 7, 8 and 9 are a hardship and 1, 2, 5 and 6 are not a hardship.

Johnson: I feel that this is a minor variance.

McGuire: I am opposed to granting a variance and I question Finding of Fact #8. Perhaps the design could be refined to bring it into compliance.

Bonser: I vote to grant the variance because the deck needs a roof.

A motion to adopt Findings of Fact 1, 2, 5 and 6 and not adopt Findings of Fact 3, 4, 7, 8, and 9 was made by Mitchell (m/s, Gonzales/S. Johnson). Vote was 3 in favor (Mitchell, Bonser, Johnson) and 2 opposed (McGuire, Gonzales). Motion passed

A motion to approve FZV-14-03 was made (m/s, J. Bonser/S. Johnson). Vote was 3 in favor (Mitchell, Bonser, Johnson) and two opposed (McGuire, Gonzales). A positive recommendation is forwarded to the Board of Adjustment for their consideration on January 6, 2015.

Committee Reports:

None

Old Business:

None

New Business:

None

Meeting was adjourned at 5:20 p.m.

Respectfully submitted,

Shelley Gonzales, committee member